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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/716,342      | 11/18/2003  | Jay T. Holt          |                     | 7614             |

7590 12/15/2004

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| EXAMINER |
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ARYANPOUR, MITRA

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| ART UNIT | PAPER NUMBER |
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3711

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/716,342

**Applicant(s)**

HOLT, JAY T.

**Examiner**

Mitra Aryanpour

**Art Unit**

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because the language repeats information given in the title. Therefore the Title appearing on the top of the page should be deleted. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Matson (2,537,228).

Regarding claim 1, Matson discloses an aiming device for billiards comprising: (a) a substantially rigid base (the combination of inner surface (34) and outer surface (38); (b) a first reference element (the broadest reasonable interpretation of *reference element* would include reference line AB) positioned on said base, said first reference element extending along a substantially straight line (see figure 1); (c) a first handle (extensible arm 58) rotatably mounted to said base and having a rotational axis that intersects and is perpendicular to said first reference element, said first handle having a substantially straight inner edge disposed along a line that intersects and is perpendicular to said rotational axis; (d) a second handle (extensible arm 60) rotatably mounted to said base at said rotational axis, said second handle having a substantially straight inner edge disposed along a line that intersects and is perpendicular to said rotational

Art Unit: 3711

axis (see column 3, lines 19-28 and column 4, lines 30-39); and (e) a means for imposing symmetrical motion (see column 3, lines 19-25; the combination of bolt 55, bearing washer 56 and nut 57) of said first handle and said second handle, so that the angle between the inner edge of said first handle and said first reference element is maintained as substantially equal to the angle between the inner edge of said second handle and said first reference element.

Regarding claim 3, Matson further shows (a) a first sighting element extending along the inner edge of said first handle, and (b) a second sighting element extending along the inner edge of said second handle (the broadest reasonable interpretation of sighting element would include the inner edge of the first and second handles (see figure 2).

Regarding claim 4, Matson additionally shows one end of each of said sighting elements terminates at said rotational axis (best see in figure 1).

Regarding claim 5, Matson additionally shows said base includes a second reference element (best seen in figure 2, the dashed line not identified by a reference line extending from one slot to the other) extending from said rotational axis toward the top edge of said base and perpendicular to said first reference element (reference line AB).

Regarding claim 6, Matson also shows said first reference element (reference line AB) comprises the top edge of said base (see figure 1).

***Allowable Subject Matter***

4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mazzoli; Hayes; Compton; Zotos; Josenhans; Risner; US 2004/0132535A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 571-272-4405. The examiner can normally be reached on Monday - Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MA  
10 December 2004

  
**MITRA ARYANPOUR**  
**PATENT EXAMINER**